

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

01- *R*-0412

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$1,000.00 IN SETTLEMENT OF THE CLAIM
OF TIZAZ S. WOLDU, THROUGH HIS ATTORNEY,
WAYMEN SIMS AGAINST THE CITY OF ATLANTA AND
FOR OTHER PURPOSES**

WHEREAS, Tizaz S. Woldu, through his attorney, Waymen Sims has filed a claim against the City of Atlanta seeking damages arising out of a collision between a vehicle operated by Corey T. Miller, an employee of the Department of Police and Mr. Woldu's building; and

WHEREAS, the collision occurred when the City employee lost control of the City vehicle and collided with the claimant's building; and

WHEREAS, the claimant has asserted damages in the amount of \$7,551.00, but has agreed to accept the sum of \$1,000.00 in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of **Tizaz S. Woldu, through his attorney, Waymen Sims** be settled for the sum of \$1,000.00.

WHEREAS, this claim was previously denied by City Council on January 16, 2001.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that resolution number 01-R-0017 be hereby rescinded and that \$1,000.00 be paid by the City of Atlanta in satisfaction of any and all claims **Tizaz S. Woldu, through his attorney, Waymen Sims** may have stemming from damages sustained as a result of a City vehicle striking his property on or about December 4, 1998 at 69 Mayson Avenue.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **99L0340**

Date: February 21, 2001

Claimant /Victim **TIZAZ S. WOLDU**
 BY: (Atty) Waymen Sims
 Address: 434 Flat Shoals Avenue, Atlanta, Georgia 30316
 Subrogation: Claim for Property damage \$ **7,551.00** Bodily Injury \$
 Date of Notice: 05/25/99 Method: Written, proper **X** Improper
 Conforms to Notice: O.C.G.A. §36-33-5 **X** Ante Litem (6 Mo.) **X**
 Date of Occurrence 12/04/98 Place: 69 Mayson Avenue
 Department: Police Division:
 Employee involved Corey T. Miller Disciplinary Action: One Day Suspension

NATURE OF CLAIM: The driver of the City vehicle lost control of same and collided with the claimant's building causing damages in the above amount.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
 Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____
 Traffic citations issued: City Driver _____ Claimant Driver _____
 Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ X _____ Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____ X
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

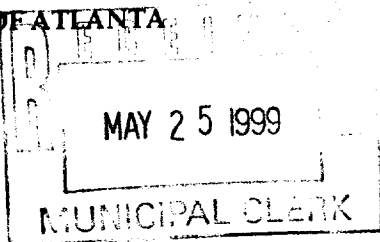
Pay \$ 1,000.00 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____
 Claims Manager: _____ Concur/date _____
 Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Jordan
05/26/99
Don

Dear Municipal Clerk:



Today's Date: _____
ENTERED - 5-27-99 - SB
99L0340 - DOBBS JORDAN

05-25-99P05:23 RCVD

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 7551.00 property and/or \$ 300.00 bodily injury for which I contend the City is liable.

1. Date of incident: 12-4-1998 2. Time of Incident: 19:16 3. Police called: ✓
(month/day/year) Yes No

4. Location of incident (including street address): 69 MAYSON Ave ATLANTA GA 30317

5. Name of your insurance company: Monticego INC. Co. Policy No. MCK-257331

6. State what and how incident occurred: police. Vehicle. Crashed. into my Building And. Caused property damage

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Corey T. Miller 675 Ponce de Leon Ave (404) 371-5002
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

TIZAZ S. WOLDU
(Print Claimant's Name)

69 MAYSON Ave
(Address)

ATLANTA GA 30316
(City, State and Zip Code)

(404) 522-3304
(Work Number) (Home Number)

Waymen. Sims. Attorney
(404) 585-9752
434 FLAT Shoals Ave
Atlanta, GA
30316

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 99L0340

\$ 1,000.00

IN CONSIDERATION of the sum of ONE THOUSAND AND NO/100
 DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever
discharge said City, its officers and employees, including but not limited to Corey T. Miller, from any and all
claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or
on account of anything that has heretofore occurred, and particularly for or on account of property damage
which occurred on or about the 4th day of December, 1998,
at or near 69 Mayson Avenue.

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 28th day of January, 2001.

TIZAZ S. WOLDU (LS)

Waymen Sims (LS)
WAYMEN SIMS, ATTORNEY AT LAW

The above release was read and explained to, and signed by the said TIZAZ S. WILDEN

_____ in our presence on the date above written.

Witnesses